



STATE OF NEVADA
COMMISSION ON ETHICS
<http://ethics.nv.gov>

Thursday, May 7, 2008
2:00 p.m.

Legislative Counsel Bureau
401 South Carson St., Room 3143
Carson City, NV 89701

and via videoconference to:
Grant Sawyer State Building
Legislative Counsel Bureau
555 E. Washington Avenue, Room 4401
Las Vegas, NV 89119

MINUTES

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics.
A verbatim transcript of the open session proceedings, prepared by a certified court reporter,
is available for inspection at the Commission offices in Carson City and Las Vegas.

Commission Members and Staff Present in Carson City:

Rick Hsu, Esq., Member
George Keele, Esq., Member
Paul Lamboley, Esq., Member
Patricia D. Cafferata, Esq., Executive Director;
Adriana G. Fralick, Esq., General Counsel;
Michelle Ené, Executive Assistant

Commission Members and Staff Present in Las Vegas:

Tim Cashman, Vice Chair;
Jim Kosinski, Esq., Member;
John T. Moran, III, Esq., Member
Tami DeVries, Research Analyst.

Vice Chair Cashman called the meeting to order at 2:00 p.m., Wednesday, May 7, 2008.

Agenda Item 1 – Approval of minutes of the February 14, 2008 and March 13, 2008 meetings.

Commissioner Kosinski moved for the approval of the minutes as amended on page three of the March minutes to be included. Commissioner Keele seconded the motion. The motion was passed unanimously.

Agenda Item 2 - Action on filling the Investigator's position with a full or part time Investigator and/or contracting for investigative services.

Executive Director Cafferata stated that she spoke with Dave Sarnowski, Executive Director of the Judicial Discipline Commission, and asked him how they handle their investigations. The Judicial Discipline Commission contracts with an investigating firm. They set a hourly time limit on each case. If they run out of money, then Sarnowski just suspends the investigation and the case does not proceed until he has more funds. If the Ethics Commission contracted for an investigator, and ran out of money, the case would have to be dismissed.

Cafferata stated that in the past, the Commission hired law students at an hourly rate on a monthly contract. She stated that there is always the issue of not giving up a position because you will have a difficult time getting it back. Cafferata stated that an investigator is needed because this work needs to be done. Cafferata stated that she believes the investigator position could be used better or the duties expanded to be more helpful to the agency.

Cafferata stated that the justification to fill the position was approved by the Department of Administration and the investigator's position is currently posted on the Nevada Commission on Ethics website. She has not set a time frame to close the position.

Cafferata stated that she needs to know what direction the Commission wants to take in filling this position. She stated that there appears to be three classes of applicants, active duty and retired military, active and retired police officers and paralegals. Cafferata stated she would test qualified applicants by giving a set of facts and having the person write up a report, so she could see their writing skills, their analytical skills, and how they put together an investigation. After that, she would screen for qualified candidates, if there were not any, she would continue to look for candidates. There is no deadline in the job announcement.

Cafferata stated that she hoped the Commission would want to fill the investigator position. A discussion followed with regard to finding a full time qualified candidate. Vice Chair Cashman asked Cafferata to keep the Commission informed of the status of filling the position. Cashman stated that at some point the Commission may have to contract just to get the work done for a period of time. Cafferata stated that the investigator position could not be filled until July 1, 2008 due to budget restraints.

Agenda Item 3 - Action on proposed legislation on the interpretation of the statute of limitations in NRS 281A.280.2.

General Counsel Adriana Fralick stated that a statute of limitations for filing a complaint against a former officer or former public employee exists but there is no statute of limitations for a current public officer or public employee. Fralick stated that the Commission needs to ask the Legislature for a period of limitation on current public officers and public employees. Fralick

stated that Legislative Counsel agreed with her that there is apparently no statute of limitations for these officials and officers. Keele stated that for the time being that the Commission should recognize that NRS 11 which authorizes various people, including the Nevada Commission on Ethics board, to commence actions within a two-year statute of limitations for an action upon the statute for a penalty or forfeiture, except when the statute imposing it prescribes different limitations.

Keele stated that since Fralick said that there is no different limitation imposed in Chapter 281A, the Commission should turn to NRS 11 for general guidance to what the statute of limitations currently is. Keele stated that there must be a statute of limitations of some sort governing the Commission's conduct in this under Chapter 281A. Cashman recommended a statute of limitations for sitting public officials or officers be two-years as referenced in Chapter 11.190.4. A discussion ensued on whether the statute of limitations should be two, three or four years.

Cafferata stated that the Commission's suggestion of three to four years for a statute of limitations gives staff and panel members some direction. She stated that this issue has come up on a current complaint filed with the Ethics Commission wherein some of the allegations against a current office holder occurred in the prior term.

Agenda Item 4 - Action to adopt a policy on preparing and publishing abstracts of opinions, pursuant to NRS 281A.440.5 and NAC 281.223.3.

Cashman moved that the Ethics Commission staff review the advisory opinions on an ongoing basis and make recommendations to the Chair for the development of abstracts and/or hypotheticals in those cases where those opinions will be particularly meaningful to the public employees or public officials. Such opinions would then be prepared and presented to the Commission in a manner that does not violate the Open Meeting Law for their approval and publication. Kosinski seconded the motion. Keele recommended an amendment to the motion to read "in a manner that does not violate confidentiality or the Open Meeting Law." Cashman moved to amend his motion. Kosinski seconded the amended motion. The motion passed unanimously.

Agenda Item 5 - Action on adopting an official Mission Statement for the Commission on Ethics.

Cashman moved that the Nevada Commission on Ethics Mission Statement be that "the Nevada Commission on Ethics, by the authority granted it under Chapter 281A of N.R.S., strives to enhance the public's faith and confidence in government by ensuring that public officers and public employees uphold the public trust by committing themselves to avoid conflicts between their private interests and their public duties." Commissioner Moran seconded the motion. The motion passed unanimously.

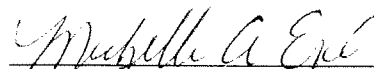
Agenda Item 6 – Public comment.

No public comment was made.

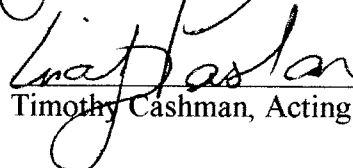
Cashman welcomed new Commissioner Paul Lamboley to the Commission and thanked him for agreeing to serve.

Cashman adjourned the meeting at 3:50 p.m.

Minutes transcribed by:


Michelle A. Ené, Executive Assistant

Minutes approved June 30, 2008:


Timothy Cashman, Acting Chair